

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**RODERICK SIMPSON,**

**PETITIONER**

**v.**

**No. 2:04CV317-P-B**

**DONALD CABANA, ET AL.**

**RESPONDENTS**

**ORDER DENYING PETITIONER'S MOTION  
FOR RELIEF FROM JUDGMENT OR ORDER**

This matter comes before the court on the petitioner's motion for reconsideration of the court's June 1, 2005, final judgment dismissing the instant petition for a writ of *habeas corpus*. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion for relief from a judgment or order under FED. R. CIV. P. 60. An order granting relief under Rule 60 must be based upon: (1) clerical mistakes, (2) mistake, inadvertence, surprise, or excusable neglect, (3) newly discovered evidence, (4) fraud or other misconduct of an adverse party, (5) a void judgment, or (6) any other reason justifying relief from the operation of the order. The court finds the petitioner has neither asserted nor proven any of the specific justifications for relief from an order permitted under Rule 60; the court finds further that the petitioner has not presented "any other reason justifying relief from the operation" of the judgment. As such, the petitioner's request for reconsideration is **DENIED**

**SO ORDERED**, this the 27<sup>th</sup> day of March, 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE